

Volume 13

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ALSUP

ORACLE AMERICA, INC.,)	
)	
Plaintiff,)	
)	
VS.)	No. C 10-3561 WHA
)	
GOOGLE, INC.,)	
)	
Defendant.)	
_____)	San Francisco, California
		Thursday, May 26, 2016

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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(Appearances continued on next page)

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Official Reporters - U.S. District Court

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ORACLE CORPORATE REPRESENTATIVE

CATHERINE LACAVERA
GOOGLE CORPORATE REPRESENTATIVE

I N D E X

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Thursday - May 26, 2016

12:59 p.m.

P R O C E E D I N G S

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THE COURT: We have a note from the jury that they've reached a unanimous verdict. Any reason not to bring the jury in and take the verdict?

MR. VAN NEST: No, Your Honor.

MS. HURST: No reason, Your Honor.

THE COURT: Okay. Let's do that.

(Proceedings were heard in the presence of the jury:)

THE COURT: I have received a note from my foreperson, Ms. Yasumoto, that you have reached a unanimous verdict; is that correct?

JUROR YASUMOTO: That is correct.

THE COURT: Please hand to the court security officer the envelope. He will hand it to me.

Thank you. And what I'm going to do is look at it long enough to see if it's in the proper form. If it is, then I will hand it to the clerk. The clerk will then read the verdict, and you need to listen carefully as she reads it so that when we ask you individually a few minutes later if this, as read, is your individual verdict, meaning you agree with it, you've got to say *yes* or you've got to say *no*, because I have to make sure it's unanimous. Okay? All right. Great.

The clerk will please read the verdict. Everyone please

VERDICT

1 listen as she reads.

2 **THE CLERK:** Thank you, Your Honor.

3 **THE COURT:** Read slowly, distinctly, and carefully.

4 **THE CLERK:** Okay, Your Honor. I will.

5 **VERDICT**

6 **THE CLERK:** Ladies and gentlemen of the jury, listen
7 to your verdict as it will stand recorded.

8 In the case of Oracle America, Inc., vs. Google, Inc.,
9 Civil Case No. C 10-3561-WHA, Special Verdict Form.

10 "Question: Has Google shown by a preponderance of the
11 evidence that its use in Android of the declaring lines of code
12 and their structure, sequence, and organization from Java 2
13 Standard Edition Version 1.4 and Java 2 Standard Edition
14 Version 5.0 constitutes a fair use under the Copyright Act?

15 "Answer: Yes. Finding for Google."

16 Dated by the foreperson, Ms. Yasumoto on May 26, 2016.

17 **THE COURT:** All right. Let's please poll the members
18 of the jury.

19 **THE CLERK:** Yes, Your Honor.

20 Diana Rocha, is the verdict read your verdict?

21 JUROR ROCHA: Yes.

22 **THE CLERK:** Judith Shattuck, is the verdict read your
23 verdict?

24 JUROR SHATTUCK: Yes.

25 **THE CLERK:** Jennifer Yasumoto, is the verdict read

VERDICT

1 your verdict?

2 JUROR YASUMOTO: Yes.

3 THE CLERK: Ronald Haley, is the verdict read your
4 verdict?

5 JUROR HALEY: Yes.

6 THE CLERK: Betsey Harper, is the verdict read your
7 verdict?

8 JUROR HARPER: Yes.

9 THE CLERK: Paul Roberds, is the verdict read your
10 verdict?

11 JUROR ROBERDS: Yes.

12 THE CLERK: Thank you.

13 Victoria Davis, is the verdict read your verdict?

14 JUROR DAVIS: Yes.

15 THE CLERK: Jeannie Settles, is the verdict read your
16 verdict?

17 JUROR SETTLES: Yes.

18 THE CLERK: Melainie Calonsag, is the verdict read
19 your verdict?

20 JUROR CALONSAG: Yes.

21 THE CLERK: Melissa Hines, is the verdict read your
22 verdict?

23 JUROR HINES: Yes.

24 THE COURT: I did not hear Ms. Hines. Did you say
25 yes?

VERDICT

1 JUROR HINES: Yes.

2 **THE COURT:** All right. The verdict is unanimous.

3 Is there any business further that we have with the jury?

4 **MR. VAN NEST:** No, Your Honor.

5 **MS. HURST:** No, Your Honor.

6 **THE COURT:** May the jury be discharged at this time?

7 **MR. VAN NEST:** Yes, they may, Your Honor.

8 **MS. HURST:** Yes, Your Honor.

9 **THE COURT:** All right. So your work is done, and the
10 Court thanks you for your hard work in this case. That has
11 nothing to do with the way you came out. That's always
12 completely up to the jury. But I must say you have been so
13 attentive and you have worked so hard and been here early every
14 single day, and I salute you for your extreme hard work in this
15 case.

16 So with the thanks of your United States District Court,
17 you are now discharged and relieved from all of those
18 admonitions and the like.

19 I would like to come in the jury room and shake each of
20 your hands individually. I do that with all juries.

21 I will not talk about the case. I cannot do that. I have
22 more work to do in the case. But I would like to thank each of
23 you individually and send you on your way.

24 So at this time, you are now discharged. Please go back
25 to the jury room, and I'll see you there in just a few moments.

PROCEEDINGS.

1 (Proceedings were heard out of presence of the jury:)

2 **THE COURT:** Please be seated. The verdict will be
3 placed on the record of the Court. I know there will be
4 appeals and the like, and so we still have some things to do.
5 I would like to give each of you a few minutes to absorb what
6 has happened and then maybe I can come back out in about a half
7 an hour and you can give me your guidance on what we need to do
8 here at the district court in order to assist you with the rest
9 of the case whenever you do your appeals. So is that all
10 right?

11 **MR. VAN NEST:** That's fine, Your Honor.

12 **THE COURT:** Unless there are things that you need to
13 say now on the record that you wish to -- I don't know of
14 anything, but you lawyers know better than me if there is
15 something you need to do immediately upon the verdict.

16 **MR. VAN NEST:** There is not.

17 **MS. HURST:** It seems like half an hour would be fine,
18 Your Honor.

19 **THE COURT:** All right. So I will see you in about 30
20 minutes. Okay?

21 **MR. VAN NEST:** Very well. Thank you.

22 **THE COURT:** Thank you.

23 (Recess taken at 1:06 p.m.)

24 (Proceedings resumed at .m.)

25 **THE COURT:** Please be seated. The judgment will be

PROCEEDINGS.

1 entered today or tomorrow and that will trigger motions under
2 the rules, I guess, the timeline, but I wanted, while I had the
3 lawyers here, to find out -- give me a heads-up on anything I
4 need to know about or are there any rulings I need to make that
5 would make your life easier? Let's hear from Oracle.

6 **MS. HURST:** Your Honor, we would request that the
7 Court rule on the pending 50(a) motion.

8 **THE COURT:** I do plan on ruling on it, yes.

9 **MS. HURST:** That's all, Your Honor.

10 **THE COURT:** And on your side?

11 **MR. VAN NEST:** On our side, Your Honor, you can deny
12 as moot our 50(a) motion, if you wish, and with respect to our
13 equitable defenses, you can simply treat them as moot.

14 **THE COURT:** Well, everything is moot now until --

15 **MR. VAN NEST:** True.

16 **THE COURT:** -- the Court of Appeals takes a look at
17 it. It might then become unmoot.

18 **MR. VAN NEST:** Right. But my point is on our 50(a),
19 you can simply deny that as moot and our equitable defenses you
20 can treat as moot. You're quite right. We don't need you to
21 do anything more than that or maybe even that.

22 **THE COURT:** Anything more?

23 **MR. VAN NEST:** No, Your Honor. Thank you.

24 **THE COURT:** I think both sides should go and get a
25 well-deserved long rest this weekend. Both sides did an

PROCEEDINGS.

1 excellent job. It's been a pleasure to be your judge for a
2 while. Thank you.

3 **MR. VAN NEST:** Thank you, Your Honor.

4 **MS. HURST:** Thank you.

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6 (Proceedings adjourned at 1:33 p.m.)
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PROCEEDINGS.

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Thursday, May 26, 2016

Pamela A. Batalo

Pamela A. Batalo, CSR No. 3593, RMR, FCRR
U.S. Court Reporter